

AN ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING PAYMENT OF ALL SALARIES AND BENEFITS FOR EMPLOYEES OF THE DEPARTMENT OF PLANNING'S ARBORIST DIVISION FROM THE TREE TRUST FUND, FUND 7701, ACCOUNT NUMBER 5111001, CENTER/DEPARTMENT NUMBER 250101, AND FUNCTION ACTIVITY 1320000, FOR A PERIOD OF TWO YEARS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") Tree Conservation Commission was established by the City's Tree Protection Ordinance, set forth in Atlanta Code of Ordinances 158-26 et seq. ("Tree Ordinance"), to oversee the management and maintenance of trees on both public and private property, and to establish educational programs that encourage proper management and maintenance of trees on private property so that the City and its residents enjoy the benefits provided by the City's urban forest; and

WHEREAS, in 2001, in what is codified as Atlanta Code of Ordinances section 158-66, the Tree Conservation Commission was tasked with establishing a Tree Trust Fund (the "Tree Trust Fund") to be utilized for the protection, planting, maintenance, and regeneration of City trees and other forest resources, and for related educational programs and materials; and

WHEREAS, the Tree Trust Fund is funded by developers, builders, contractors, homeowners and others as a recompense for permitted and illegal removal and destruction of trees within the City; and

WHEREAS, to date, the Tree Trust Fund balance is approximately 4.7 million dollars; and

WHEREAS, implementation of the requirements of the Tree Ordinance requires a number of staff members in both the Department of Planning and Community Development ("Planning Department") and the Department of Parks, Recreation, and Cultural Affairs. The Planning Department's Arborist Division ("Arborist Division") enforces the Tree Ordinance for trees located on private property. The Office of Parks enforces the Tree Ordinance for trees located on public property; and

WHEREAS, there are twelve staff people in the Arborist Division, namely an arboricultural manager, two arborists senior, five arborists, one administrative analyst, two customer service representatives senior, and a landscape architect senior. At least a portion of the salary and benefits of two of the arborists and the administrative analyst are paid from the Tree Trust Fund. The remaining positions are paid from the General Fund.

WHEREAS, the City is encountering a significant budget shortfall for the 2009 fiscal year. The Planning Department does not have sufficient funds in its General Fund budget to pay for the Arborist Division employees. The Planning Department anticipates this challenge to occur in the 2010 fiscal year as well, but not thereafter; and

WHEREAS, because of the necessity of the Arborist Division employees to enforce the Tree Ordinance, and because of the inability of the Planning Department to pay for these employees from the General Fund, it is in the best interest of the City to pay for the Arborist Division employees from the Tree Trust Fund for two years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The Department of Planning is hereby authorized to fund the total cost of salary and benefits for nine Arborist Division positions, in fiscal year 2009 (July 1, 2008 through June 30, 2009) and fiscal year 2010 (July 1, 2009 through June 30, 2010), from the Tree Trust Fund, in an amount not to exceed \$700,000 each fiscal year. Specifically, the salary and benefits shall be charged to and paid from Fund 7701, account number 5111001, center/department number 250101, and function activity 1320000 for the following positions:

<u>Position:</u>	<u>Class Title:</u>	<u>Class Code:</u>
53596	Arbicultural Manager	811012
21886	Arborist, Sr.	811044
54952	Arborist Sr.	811044
21971	Arborist	811036
21888	Arborist	811036
54951	Arborist	811036
19136	Cust. Service Rep. Sr.	122003
00813	Cust. Service Rep. Sr.	122003
54986	Landscape Architect, Sr.	321003

Section 2. In addition to funding the three Arborist positions described in Section 1 above, the Department of Planning shall continue to fund the salary and benefits of two other Arborist positions from the Tree Trust Fund, in an amount not to exceed \$110,000 total annually, as authorized by Atlanta Code Section 158-66 (a). Should the cost of the salary and benefits of these two positions exceed \$110,000, the remaining benefits and salary cost of these two Arborist positions shall be paid from the Tree Trust Fund for fiscal years 2009 and 2010 only, and specifically shall be charged to and paid from Fund 7701, account number 5111001, center/department number 250101, and function activity 1320000.

Section 3. The Department of Planning shall continue to fund the salary and benefits of an Administrative Analyst position from the Tree Trust Fund, as described in Atlanta Code Section 158-66 (a). Specifically, the salary and benefits of the position shall be

charged to and paid from Fund 7701, account number 5111001, center/department number 250101, and function activity 1320000. Currently, Code Section 158-66(a) of the Tree Ordinance allows for 5% of the funds in the Tree Trust Fund or \$100,000, whichever is greater, to be utilized for education and an administrative analyst position. For fiscal year 2008 and 2009, at least \$30,000 of this money shall be utilized for education. In the event that the salary and benefits of the Administrative Analyst position exceed \$70,000 during each of those fiscal years, any funds needed to pay for the entire salary and benefits shall be charged to and paid from the Tree Trust Fund, Fund 7701, account number 5111001, center/department number 250101, and function activity 1320000.

Section 4. In the event that any portion of this Ordinance is deemed to be in violation of Atlanta Code of Ordinances section 158-66(a), that sets forth the acceptable use of Tree Trust Fund dollars, then that segment of section 158-66(a) shall be deemed waived for purposes of this Ordinance. In addition, all other ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: 404-330-6724

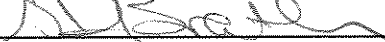
Originating Department: Department of Planning/ Bureau of Housing

Committee(s) of Purview: Finance/ Executive

Chief of Staff Deadline: April 30, 2008

Anticipated Committee Meeting Date(s): May 13-14, 2008

Anticipated Full Council Date: May 19, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING PAYMENT OF ALL SALARIES AND BENEFITS FOR EMPLOYEES OF THE DEPARTMENT OF PLANNING'S ARBORIST DIVISION FROM THE TREE TRUST FUND, **FUND 7701, ACCOUNT NUMBER 5111001, CENTER/DEPARTMENT NUMBER 250101, AND FUNCTION ACTIVITY 1320000, FOR A PERIOD OF TWO YEARS; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)

(date)

Received by Mayor's Office: 4/30/08  Reviewed by: _____

(date)

(date)

Submitted to Council: _____

(date)